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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,514	12/03/2003	Martin Heenev	MERCK-2791	3769
23599 7590 04/23/2008 MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201				
EXAMINER				
WU, SHEAN CHIU				
ART UNIT		PAPER NUMBER		
1795				
MAIL DATE		DELIVERY MODE		
04/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,514

Applicant(s)

HEENEY ET AL.

Examiner

Shean C. Wu

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10, 11, 13, 24-26, 33, 34 and 40-42 is/are pending in the application.
- 4a) Of the above claim(s) 8, 9, 12, 14-16, 18, 20-23, 27, 28 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, 11, 13, 24-26, 33, 34 and 40-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-7, 10, 11, 13, 24-26, 33, 34 and 40-42 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 13 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, the Ar group under proviso a) is vague because the Ar has two substituted groups R¹ and R² in formula 1c. Also the substituents R¹⁻⁴ for Ar are different from proviso a).

In claim 40, the groups R¹⁻⁴ are not defined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

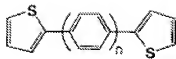
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 10-11, 24, 26, 33-34 and 40-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (J. Physical Chemistry).

Lee discloses organic semiconductors having conjugated polymers and oligomers with their unusual electrical and optical properties. Of special interest are electroluminescence, photoconductivity, photovoltaic effects, and the electrical

conductivity of oxidized or reduced materials. These aspects make the organic semiconducting materials applicable to electronic and photonic devices such as field-effect transistors and light-emitting diodes. Oligothiophenes and oligophenylenes are typical of those materials. The reference investigates thiophene/phenylene co-oligomers with different ring numbers and arrangements to establish how the molecular size and the arrangement of the thiophenes and phenylenes influence the spectra. One of the formulas described in the reference is



TnP ($n = 1, 2$)

, which reads on the present formula I with sub-formula IIc in claim 1, Ar being a biphenyl in claim 2 (see 4, 4-bis (2-thienyl) biphenyl (T2P) in table 1 on page 1829).

With respect to claim 5, the reference compound T2P inherently anticipates the claimed compound.

4. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over CAPLUS 2000: 634223 (or Macromolecules, 2000, vol. 33, pages 7349-7358).

The reference discloses a polythiophene of structure type B with Y= alkyl-
substituted or alkoxy-substituted phenylene, which reads on the present formula Ic with sub-formulae IIIa and IIIb. The reference polymers PBTCn having liquid crystal properties and are both p- and n-dopable. The reference differs from the claims in that the claimed transistor device comprises a semiconductor or charge transport material of the

present formula I. It is well known in the art (for example, US 6,136,702) that these treated dopants are useful for the transistor device including TFT and FET, therefore, it would have been obvious to those skilled in the art to utilize the reference polymer in the claimed device.

5. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over CAPLUS 1992: 42166 (or *Macromolecules*, 1992, vol. 25(2), pages 849-860).

The reference discloses polymer of 3, 3'-dialkyl -2, 2'-bithiophene repeating unit having an electrical conductivity, which reads on the present formula Ic with sub-formulae IIIa and IIIb. See the formulae shown in Scheme 1 and polymerization in formula (1) on page 850. The reference differs from the claims in that the claimed transistor device comprises a semiconductor or charge transport material of formula I. The polymers disclosed in the references read on the present formula I. It is well known in the art that these electrical conductivity polymer having charge transport activity are useful for the transistor device including TFT and FET, therefore, it would have been obvious to those skilled in the art to utilize the reference polymers in the claimed device.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (*J. Physical Chemistry*).

The reference differs from the claim in that the claimed device is a TFT (array) for flat panel displays. Because it is well known in the art that these electrical conductivity polymers having charge transport activity are useful for the transistor device

including TFT and FET, therefore, it would have been obvious to those skilled in the art to utilize the reference polymers in the claimed devices.

Response to Arguments

7. Applicant's arguments, see remarks, filed 2/26/08, with respect to the rejections in the previous Office action have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, new grounds of rejection are made in the sections 1 and 3-6 cited above. The paragraphs 5 and 6 were cited in the Office action mailed 10/10/07. Claim 13 is rejoined with pending claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shean C. Wu whose telephone number is 571-272-1393. The examiner can normally be reached on 10:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shean C Wu/
Primary Examiner, Art Unit 1795

scw

